



ORIGINAL

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October 30, 1996

EX PARTE

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

RE: Amendment of the Commission's Rules to Provide for Unlicensed
NII/SUPERNet Operations in the 5 GHz Frequency Range
(ET Docket No. 96-102)

Dear Mr. Caton:

On Tuesday, October 29, 1996, Donna Bethea and I, on behalf of AirTouch Communications, met with Jackie Chorney to discuss issues relating to this proceeding. Please associate the attached material with the above-referenced proceeding.

Two copies of this notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me at 202-293-4960 should you have any questions or require additional information concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Q. Abernathy".

Kathleen Q. Abernathy

Attachment

cc: Jackie Chorney

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AIRTOUCH COMMUNICATIONS, INC.

Amendment of the Commission's Rules to Provide for
Unlicensed NII/SUPERNet Operations
in the 5 GHz Frequency Range

(ET DOCKET NO. 96-102)

Kathleen Q. Abernathy
Donna L. Bethea
October 29, 1996

Background on MSS

- June 1991 Globalstar Submits Mobile Satellite Service (MSS) Applications.
- WARC - 1992 The US Achieves International Allocation of MSS Service Link Spectrum in the 2 GHz Band.
- Early 1993 The FCC and Industry Begin Working Toward the International Allocation of MSS Feeder Link Spectrum.
- The FCC Begins the Licensing Process for the Big Leo Service Link Spectrum; Feeder Link Spectrum Awaits International Allocation.
- May 1995 WinForum and Apple Petition the FCC for a Rulemaking to Allocate the 5 GHz Band and Adopt Service Rules for a Shared Unlicensed Personal Radio Network.
- WRC - 95 The US Industry and Government are Successful in Winning a Global Allocation of MSS Feeder Link Spectrum in the 5091-5250 MHz Band.

Services Offered by Big LEOS

MSS Systems Have Accomplished or Largely Completed the Commercial Undertakings Necessary to Ensure the Timely Deployment of Services.

- Obtained Funds Necessary to Construct, Launch, and Operate.
- Satellite Construction Has Commenced.
- Launch Contracts Have Been Secured.
- Gateway Designs are Near Completion.

Service Offerings Include:

- Ubiquitous Voice and Data Mobile Services.
- Position Location Services.
- Search and Rescue Communications.
- Environmental Monitoring.

NPRM Proposal

- Allocation of 350 MHz of the 5 GHz Band to Support the Operation of Unlicensed, Short-Range, High Speed Wireless Communications.
- Adoption of a “Safe Harbor” Rule for Part 15 Devices.
- Adoption of a 100 mW EIRP Limit.
- Listen Before Talk Protocol.

Part 15 Operation

- Section 301 of the Communications Act requires that a transmitting device which has a potential for causing interference must be licensed
- Unlicensed Part 15 Devices Have No Spectrum Allocation Status, but Rather Have a Secondary Status only:

“Persons Operating Intentional or Unintentional Radiators Shall not be Deemed to Have a Vested or Recognizable Right to Continued Use of Any Given Frequency...”

(47 C.F.R. § 15.5(a) (1995))

- These Devices are Prohibited From Causing Harmful Interference To and Must Accept Interference From Licensed Radio Services:

“Operation of an Intentional, Unintentional, or Incidental Radiator is Subject to the Conditions That no Harmful Interference is Caused and That Interference Must be Accepted That May be Caused by the Operation of an Authorized Radio Station...”

(47 C.F.R. § 15.5(b))

Proposed Solution

IN THE 5150 - 5250 MHz Band:

- Power Spectral Density: 100 mW per 10 MHz
- NO Outdoor Use
- Duty Cycle: 10%

SUMMARY

- Development of Globalstar system is near completion
 - Most design parameters have been finalized
 - Significant changes are not feasible
- Key parameters of SUPERNet devices must be established to reduce interference into NGSO MSS feeder links
- Proposed “safe harbor” rule inconsistent with Telecommunications Act and does not ensure protection against harmful interference for licensed users by unlicensed devices